

John Boehner  
Chairman  
8th District, Ohio

*House Meets at 10:00 a.m. for Legislative Business*

*Anticipated Floor Action:*

**H.R. 3494—Child Protection and Sexual Predator Punishment Act**

**H.J. Res. 119—Proposing a Constitutional Amendment to Limit Campaign  
Spending (Vote Only)**

**H.R. 2888—Sales Incentive Compensation Act**



**H.R. 3494—Child Protection and Sexual Predator Punishment Act**

**Floor Situation:** The House will consider H.R. 3494 as its first order of business today. Yesterday, the Rules Committee granted a structured rule which provides one hour of general debate, equally divided between the chairman and ranking minority member of the Judiciary Committee. It makes a committee amendment in the nature of a substitute in order as base text and waives all points of order against the substitute. Additionally, the rule makes in order 10 amendments, each debatable in the order listed for the amount of time specified below. The rule allows the chairman of the Committee of the Whole to postpone votes and reduce the voting time on postponed vote to five minutes, provided it follows a regular 15-minute vote. Finally, the rule provides for one motion to recommit, with or without instructions.

**Summary:** H.R. 3494 amends current law to enhance protections for children from sexual predators, as well as enhance federal law enforcement's ability to prosecute persons who commit sex crimes against children. The bill's provisions also criminalize use of the Internet as an "interstate commerce" means of contacting a child for sexual purposes. CBO estimates that enactment will result an increase of \$32 million over the next five years. H.R. 3494 was introduced by Mr. McCollum, Ms. Dunn, and Ms. Granger, and was reported favorably by the Judiciary Committee by voice vote on May 6, 1998.

**Views:** The Republican Leadership strongly supports passage of H.R. 3150. The Clinton Administration has not yet issued a formal position on the bill.

**Amendments:** As stated above, the rule makes in order the following 10 amendments, debatable for the amount of time specified and in the order listed below:

**Mr. Riley and Mr. Bachus** will offer an amendment, debatable for 10 minutes, to establish a “zero tolerance” policy by making possession of any child pornography illegal. Under current law, any individual may possess up to two items of child pornography without violating the law. Although the amendment closes the “three or more loophole,” it does not attempt to define or redefine the term “sexually explicit conduct” with regard to minor children. *Staff Contact: Jon Heroux (Riley), x5-3261; Jeff Emerson (Bachus), x5-4921*

**Ms. Slaughter** will offer an amendment, debatable for 10 minutes, to authorize the National Institute of Justice to conduct a study of persistent sexual predators, and report the results to Congress. Specifically, the report must include information on (1) common characteristics of such offenders; (2) recidivism rates for sexual predators; (3) treatment techniques and their effectiveness; (4) responses of offenders to treatment and deterrence efforts, (5) the likelihood that early intervention to prevent people from becoming sexual predators would prove helpful, and (6) an agenda for future research on sexual predators. *Staff Contact: Stuart Spencer, x5-3615*

**Mr. Franks** will offer an amendment, debatable for 20 minutes, to require online service providers to report incidents of the transmission of child pornography to law enforcement officials whenever they discover them in the normal course of business, or if they are alerted by their customers to such incidents. The amendment, however, does not intend to include instances of persons who post pictures of their children on the Internet, such as family photos of small children at play in a swimming pool or bathtub. Additionally, the amendment does not require online services to engage in any activity which compromises the privacy of its customers in order to uncover pornography transmissions. *Staff Contact: Kim Linthicum, x5-5361*

**Mr. Ackerman** will offer an amendment, debatable for 10 minutes, to increase prison sentences by 50 percent for violent crimes committed against senior citizens (persons 65 years of age or older) and those who are mentally or physically disabled. *Staff Contact: Brian Zarahn, x5-2601*

**Mr. Bass** will offer an amendment, debatable for 10 minutes, to authorize \$25 million annually for FY 1999 and FY 2000 to create a Sex Offender Management Assistance Program, which will provide states with flexible block grants to offset costs directly associated with meeting federal requirements for sex offender registration and community notification programs. *Staff Contact: William Driscoll, x5-5206*

**Mr. Foley** will offer an amendment, debatable for 10 minutes, to allow youth-serving volunteer organizations to request access to FBI criminal fingerprint background checks (using guidelines for making such requests as outlined by the states where the organizations are located) in the absence of specific state laws which allow such access. The intent of the amendment is to facilitate the ability of these organizations, such as Boys and Girls Clubs of America, to conduct thorough background checks on the volunteers they employ to provide services to minor children. *Staff Contact: Liz Nicholson, x5-5792*

**Mr. Gutknecht** will offer an amendment, debatable for 10 minutes, to express the sense of Congress that states should implement a multi-level tier-based community notification system. The amendment outlines a model program for states to follow if they choose to establish such a system,

which would consist of an advisory board of five members to assess the risk of repeat offense by a sex offender released from prison prior to the person's actual release. Guidelines and procedures available through the model program will help the advisory boards conduct their risk assessment activities. The system includes input from law enforcement, past victims of sex offenses, grassroots groups and organizations dedicated to this subject, as well as the general public. Finally, the model outlined by the amendment seeks to work with, but not duplicate efforts of, existing child protection efforts, such as the current-law sex offender registration requirements of Megan's Law and the Jacob Wetterling Act. **Staff Contact: Andy Halataei, x5-2472**

**Mrs. Kelly** will offer an amendment, debatable for 10 minutes, to establish mandatory minimum sentences for any person who takes a child hostage in order to compel, resist, or oppose the federal government in any activity it conducts. Sentences include a minimum of 10-25 years in prison for hostage taking, 20-35 years if the child is injured in the hostage taking, and life imprisonment or, alternatively, the death penalty if the child is killed in the course of the hostage taking. **Staff Contact: Katie Marzelli, x5-5441**

**Mr. Sherman** will offer an amendment, debatable for 20 minutes, to establish a national telephone hotline that members of the public will use to determine whether an individual is registered as a sexual predator. The amendment bases its provision on an existing hotline established two years ago in California which has helped identify 1,000 convicted child molesters out of 11,000 inquiries to date. **Staff Contact: Jennifer Mraz, x5-5911**

**Mr. Conyers** will offer an amendment, debatable for 60 minutes, to (1) authorize grants to states for law enforcement and prosecution against persons who commit acts of violence against women; (2) limit the effects of domestic violence on children; (3) allow victims of domestic violence, as outlined in federal law, to enter the Federal Witness Protection Program; (4) provide civilian jurisdiction for sexual assault and domestic violence crimes committed outside the U.S. by individuals accompanying the armed services; (5) authorize the U.S. Attorney General to develop curricula to train law enforcement officers and prosecutors to recognize, address, investigate, and prosecute abuse, neglect, and exploitation committed against the elderly; (6) authorize the Attorney General to provide grants to health professionals to assist them in identifying victims of domestic violence and sexual assault and aid in the process of documenting those injuries; and (7) fund research on preventing, detecting, and investigating violence against women. **Staff Contacts: Dawn Burton and Melanie Sloan, x5-6906**

**Additional Information:** See *Legislative Digest*, Vol. XXVII, #15, June 5, 1998.



## **H.J. Res. 119—Proposing a Constitutional Amendment to Limit Campaign Spending**

**Floor Situation:** The House will vote on final adoption of H.J.Res. 119 after it completes consideration of H.R. 3494. Yesterday, the House completed debate on the measure.

**Summary:** H.J.Res. 47 proposes a constitutional amendment to permit Congress and the states to enact laws regulating federal campaign expenditures and contributions. The resolution states that Congress and the states may adopt reasonable regulations of campaign expenditures and contributions as long as these regulations do not impair the right of the public to a full and free discussion of all issues and does not prevent any candidate from the resources necessary for effective advocacy. A constitutional amendment requires a two-thirds majority vote from both the House and the Senate, and must be ratified by three-fourths of the state legislatures within seven years.

H.J.Res. 47 was introduced by Mr. Gephardt on February 10, 1997. Mr. DeLay opposes the resolution because he argues that it gives Congress the authority to enact any legislation that may abridge an array of free speech and free association rights under the First Amendment. Nevertheless, Mr. DeLay is offering the joint resolution because he considers it important for congress to engage in an open debate on the measure.

**Views:** The Republican leadership opposes the joint resolution. A Clinton Administration view was unavailable at press time.



## **H.R. 2888—Sales Incentive Compensation Act**

**Floor Situation:** The House will complete consideration of H.R. 2888 after it votes on adoption of H.J.Res. 119. Yesterday, the House completed general debate and consideration of amendments, postponing a vote on an amendment by Mr. Owens until today.

**Summary:** H.R. 2888 amends the 1938 Fair Labor Standards Act to provide an exemption from minimum wage and overtime laws for certain “inside sales” employees, which the bill defines as people who work from within an employer’s establishment to sell to customers using the telephone, fax, and computer. The bill extends this new exemption to any employee in a sales position if the employee (1) has specialized or technical knowledge related to the products or services being sold; (2) makes sales predominately to persons to whom the employee has made previous sales, which does not involve initiating sales contracts entirely on cold calls; (3) receives an annual base compensation, regardless of the number of hours worked, of one and one-half times the minimum wage multiplied by 2,080 or \$16,068. This is based on the federal minimum wage of \$5.15 an hour multiplied by 40 hours per week for a 52-week work year. Wherever a higher state or local minimum wage prevails, the minimum compensation threshold will adjust accordingly; and (4) receives incentive compensation based on each sale made that is equal to at least 40 percent of the employee’s minimum base compensation or \$6,427.20. Even if an employee receives a higher base wage, the minimum incentive compensation figure remains based on a proportion of the minimum base wage. CBO estimates that enactment will have no significant impact on the federal budget. The bill was introduced by Mr. Fawell and was reported by the Education & the Workforce Committee by voice vote.

**Views:** The Republican leadership supports passage of the bill. An official Clinton Administration viewpoint was unavailable at press time.

**Amendments:** The House completed debate, but did not vote on, the following amendment:

- \* an amendment by **Mr. Owens** to allow employee's to *voluntarily* consent to work more than eight hours a day. The amendment makes overtime an employee's choice.  
**Staff Contact: Peter Rutledge, x6-1881**

**Additional Information:** See *Legislative Digest*, Vol. XXVII, #15, June 5, 1998.




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Please attach the text of the amendment (if available) and fax to the *Legislative Digest* at x5-7298

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John Boehner  
Chairman  
8th District, Ohio

Member Sponsoring Amendment: \_\_\_\_\_ Bill #: \_\_\_\_\_

Additional Co-sponsors (if any): \_\_\_\_\_

Staff Contact: \_\_\_\_\_ Phone #: \_\_\_\_\_ Evening Phone #: \_\_\_\_\_

Description of the amendment: \_\_\_\_\_

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(Please include any additional or contextual information)

Reason for offering amendment (e.g., How will this change the bill or current law? Why should members support this change?): \_\_\_\_\_

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